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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,227	11/14/2003	Frank Messano		8476

7590

07/14/2004

Frank Messano  
2100 Heyneman Lane  
Simi Valley, CA 93065

EXAMINER

BASINGER, SHERMAN D

ART UNIT      PAPER NUMBER

3617

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Interview Summary

Application No.

10/712,227

Applicant(s)

MESSANO, FRANK

Examiner

Sherman D. Basinger

Art Unit

3617

All participants (applicant, applicant's representative, PTO personnel):

(1) Sherman D. Basinger.

(3)\_\_\_\_\_.

(2) Mr. Frank Messano.

(4)\_\_\_\_\_.

Date of Interview: 15 June 2004.

Type: a)☒ Telephonic b)☐ Video Conference  
c)☐ Personal [copy given to: 1)☐ applicant 2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes e)☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 23 and 47 faxed to the examiner on June 14, 2004.

Identification of prior art discussed: none.

Agreement with respect to the claims f)☐ was reached. g)☒ was not reached. h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: discussed the manner of making amendments under the revised amendment practice effective July 30, 2003. Discussed that proposed claim 24 is broader than any claimed allowed in the first office action; and therefor may not be allowable. discussed that claim 43 is to an invention not originally claimed and therefor may be withdrawn by the examiner if filed-see MPEP 821.03. discussed how to amend claims 6 and 19 to make them allowable.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

*Sherman D. Basinger*  
SHERMAN BASINGER  
PRIMARY EXAMINER

6/15/04

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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Part 7 Int Summary for 6/15/04

PAGE 1/9 \* RCVD AT 6/14/2004 12:36:08 PM [Eastern Daylight Time] \* SVR:USPTO-EF-XRF-2/1 \* DNIS:7463775 \* CSID:3766428 \* DURATION (mm:ss):02:50

10 June 2004

Sherman D. Basinger  
Primary Examiner  
Art Unit 3617



SkyDeck Industries  
P.O. Box 518  
Orcas, WA 98280  
tel (360) 376-6428  
skydeck @ centurytel.net

FAX (703) 872-9306

**FAX (703) 746-3775**

Re: Application # 10/712,227  
File Date 11/14/2003  
Applicant Frank Messano

Subject: **INFORMAL REVIEW OF CORRECTIONS RELATING TO OFFICE ACTION SUMMARY**

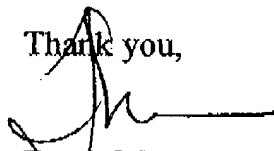
Please find enclosed preliminary REWORKED CLAIMS FOR INFORMAL REVIEW.

It seems that my three independent set of claims could be simplified into two sets of independent claims to eliminate a lot of redundancy. The total number of claims remains 23.

In addition, I have made the changes listed in your Office Action, and want to be clear on the format necessary for their return to you. I've included the first page of the specifications and drawing page 8 for guidance.

After you have had a chance to look these changes over, please telephone me between 8:00AM and 11:00AM PDT... at (360) 376-6428.

Thank you,

  
Frank Messano

*Proposal's  
for  
Telephone  
Interview  
for 6/15/04*

## **Amphibious Recreational Vehicle**

### **CROSS-REFERENCE TO RELATED APPLICATIONS**

This is a continuation-in-part of application number 10/177,314 filed June 24, 2002, now patent 6,679,543 which is a continuation-in-part of application number 09/766,996 filed January 23, 2001, now patent 6,425,625.

~~This Amphibious Recreational Vehicle patent application is a Division of Application 10/177,314 entitled "Comprehensive Vehicle Construction And Hybrid Electric Drive System", which was a Continuation In Part of my patent application # 09/766,966 (now US Patent 6,425,625) - Rooftop Deck Systems For Vehicles.~~

~~And it is related to my Amended Application of 26 August 2003 - now entitled Recreational Vehicle Full Length Slideout System, which too was a Division of the original Application 10/177,314.~~

Application 10/177,314 - Comprehensive Vehicle Construction And Hybrid Electric Drive System was a CIP of Application No. 10/142,403 - Seating, Handrails & Canopy For Rooftop Systems, which relates to my previous US Patent 6,237,988 - STREAMLINE ROOFTOP DECK FOR MOTORHOMES.

Application No. 10/142,403 is now abandoned.

### **FIELD OF THE INVENTION**

The present invention relates to construction features of amphibious land and water craft, and more particularly an amphibious recreational vehicle that has all the attributes of a conventional recreational vehicle (motorhome, travel trailer, fifth-wheel trailer, van, SUV, and the like) when on land, and that has all the attributes, speed, stability, outside decks, and

Application 10/712,227  
Frank Messano, Applicant  
10 June 2004

Informal review of tentative claims to replace Claims 1 through 23.

The three independent claims were reduced to two independent claims, with the total number of claims remaining 23 claims as originally submitted.

**REWORKED CLAIMS FOR INFORMAL REVIEW:**

24. An amphibious recreational vehicle comprising:
- an expandable width watertight hull below the cabin which consists of outer-hulls hinged to a central hull, when expanded, forms a one-piece wide-beam modified cathedral planing hull comprising:
    - a central hull;
    - an outer-hull on each longitudinal side of the central hull;
    - a plurality of planing surfaces on the hulls;
    - a plurality of land travel wheels within the outer hulls;
    - a hinge mechanism coupling the outer-hulls as to be pivotally positioned under the central hull for land travel, and positioned adjacent to the central hull for water travel while also raising the land travel wheels out of the water;
    - and a ground effects lifting tunnel between the hulls.
25. The amphibious vehicle of Claim 24, wherein there is a movable tapering device to reduce the cross-sectional area in the rearward portion of the ground effects lifting tunnel to increase dynamic lift.
26. The amphibious vehicle of Claim 24, wherein there is a provision for marine propulsion.
27. The amphibious vehicle of Claim 24, wherein there is a powered actuator to pivot the hulls between the land travel and water travel positions where the powered actuator is fully above the waterline for water travel.
28. The amphibious vehicle of Claim 24, wherein there is a recreational vehicle cabin;

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10 June 2004

29. The amphibious vehicle of Claim 24, wherein upon the cabin rooftop is a fold-down flying bridge deck consisting of bulwarks on multiple sides of the roof top, a plurality of fold-down safety rails on multiple sides of the rooftop, a rooftop steering station, and a plurality of fold-down seating affixed to the rooftop.
30. The amphibious vehicle of Claim 24, wherein the flying bridge has a fold-down windshield.
31. The amphibious vehicle of Claim 24, wherein the flying bridge has a fold-down mast array.
32. The amphibious vehicle of Claim 24, where the rooftop fold-down flying bridge deck has a raising and lowering cover, which in the lowered position covers the flying bridge deck and when raised is a canopy to protect the occupants from the sun and rain.
33. The amphibious vehicle of Claim 24, where the vehicle has an interior space expanding slide-out on one or more sides of the cabin.
34. The amphibious vehicle of Claim 24, wherein a rear boarding deck with an affixed deployable stairway provides a means for access from the ground to the cabin when the vehicle is on land.
35. The amphibious vehicle of Claim 24, wherein a marine propulsion unit is located within the hull(s).
36. The amphibious vehicle of Claim 24, wherein one or more hydrofoils under the central hull are positioned to allow the outer-hulls to pivot without interference with the hydrofoils.
37. The amphibious vehicle of Claim 24, wherein the vehicle is a towable travel trailer.
38. The amphibious vehicle of Claim 24, wherein the vehicle is a motorhome.
39. The amphibious vehicle of Claim 24, wherein the vehicle is a truck.



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40. The amphibious vehicle of Claim 24, wherein the vehicle is a bus.
41. The amphibious vehicle of Claim 24, wherein the vehicle is a van.
42. The amphibious vehicle of Claim 24, wherein each of the land travel wheels are modular & interchangeable Universal-Motor Power Suspension Modules, each being powered with an integral electric drive motor-regenerative braking generator, and where the marine propulsion source is powered by electric motors that are all cabled to a central energy source of Energy Storage Units and a multiplicity of Gensets. The Storage units are comprised of batteries and or capacitors. The multiplicity of Gensets is comprised of a single type, or combination of, generators, alternators, fuel cells, and solar cells;

and all coupled by means of a central controller for providing individualized current flow between motors and energy sources with a protocol of operating the minimum number of Gensets at any one time as is adequate for meeting the current energy demands of the Energy Storage Units and the motors, and where the Energy Storage Units and the Gensets act in series-parallel for extreme incremental peak demands of the motors;

and where each Universal-Motor Power Suspension Module is comprised of:

the integral electric drive motor-regenerative braking generator;  
a wheel, disc brake, and tire;  
a means of independent suspension;  
a pivot means for directionally steering the wheel;  
a link means for locking the direction of the wheel steering to one position;  
an adjustable wheel-to-vehicle ride-height means;

and where the Universal-Motor Power Suspension Modules are interchangeably used on both sides of the vehicle.

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43. A recreational vehicle drive system comprising:

Modular land travel wheels & interchangeable Universal-Motor Power Suspension Modules, each being powered with an integral electric drive motor-regenerative braking generator, and where the marine propulsion source is powered by electric motors that are all cabled to a central energy source of Energy Storage Units and a multiplicity of Gensets. The Storage units are comprised of batteries and or capacitors. The multiplicity of Gensets is comprised of a single type, or combination of, generators, alternators, fuel cells, and solar cells;

and all coupled by means of a central controller for providing individualized current flow between motors and energy sources with a protocol of operating the minimum number of Gensets at any one time as is adequate for meeting the current energy demands of the Energy Storage Units and the motors, and where the Energy Storage Units and the Gensets act in series-parallel for extreme incremental peak demands of the motors;

and where each Universal-Motor Power Suspension Module is comprised of:  
the integral electric drive motor-regenerative braking generator;  
a wheel, disc brake, and tire;  
a means of independent suspension;  
a pivot means for directionally steering the wheel;  
a link means for locking the direction of the wheel steering to one position;  
an adjustable wheel-to-vehicle ride-height means;

and where the Universal-Motor Power Suspension Modules are interchangeably used on both sides of the vehicle.

44. The recreational vehicle of Claim 43, wherein the lower section of the vehicle comprises:  
an expandable width watertight hull consisting of outer-hulls hinged to a central hull, when expanded, forms a one-piece wide-beam modified cathedral planing hull comprising:  
a central hull;

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an outer-hull on each longitudinal side of the central hull;  
a plurality of planing surfaces on the hulls;  
a plurality of land travel wheels within the outer hulls;  
a hinge mechanism coupling the outer-hulls as to be pivotally positioned under the central hull  
for land travel, and positioned adjacent to the central hull for water travel while also raising the land  
travel wheels out of the water;  
and a ground effects lifting tunnel between the hulls.

45. The amphibious vehicle of Claim 43, wherein the land vehicle is a truck.
46. The amphibious vehicle of Claim 43, wherein the land vehicle is a bus.
47. The amphibious vehicle of Claim 43, wherein the land vehicle is an automobile.

Inventor: Frank Messano  
 AMPHIBIOUS RECREATIONAL VEHICLE  
 Drawing Sheet 8 of 8

FIG. 34

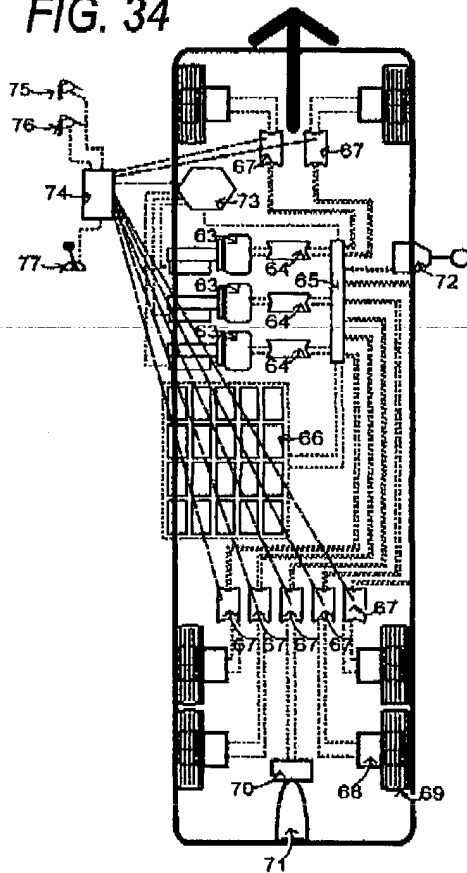


FIG. 35

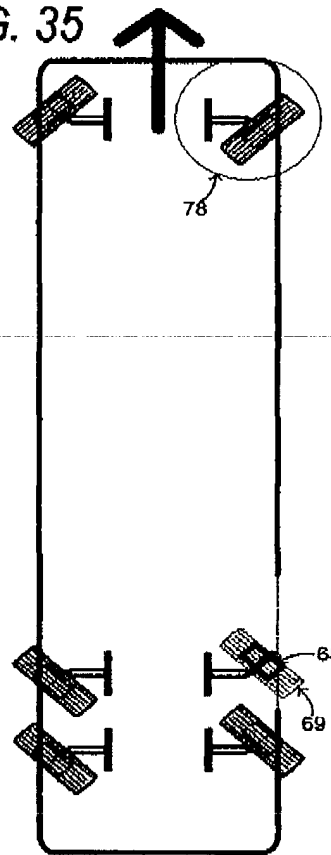


FIG. 36

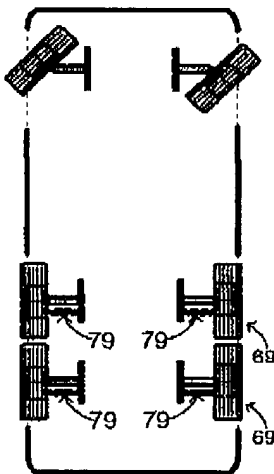


FIG. 37

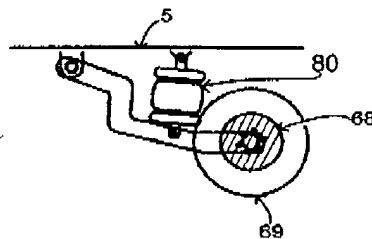
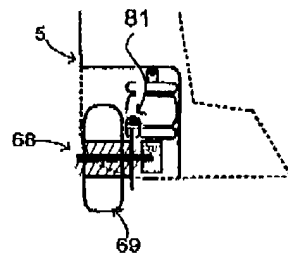


FIG. 38



Inventor: Frank Messano  
AMPHIBIOUS RECREATIONAL VEHICLE  
Drawing Sheet 8 of 8

FIG. 34

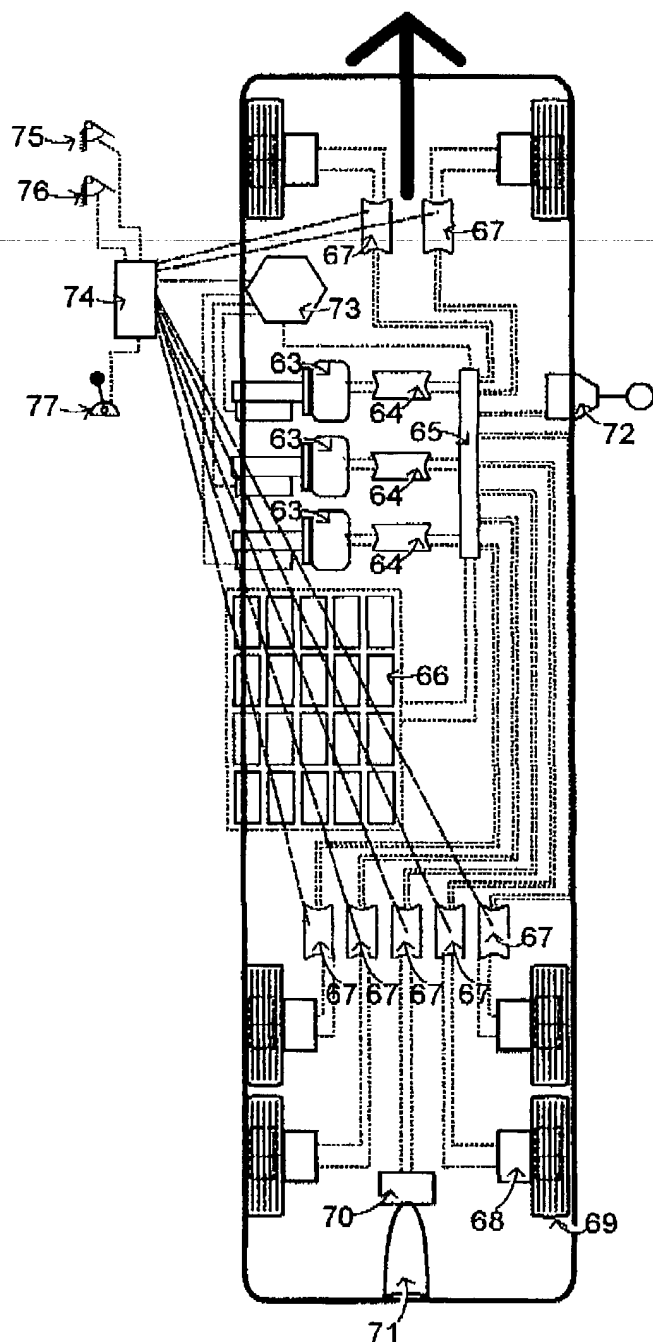


FIG. 35

